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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY, DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|----------------------|------------------|
| 10/802,408 | 03/17/2004 | Jeffrey D. Carnevali | NPI-023 | 3835 |

7590

07/06/2006

Charles J. Rupnick
PO Box 46752
Seattle, WA 98146

| EXAMINER |
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MARSH, STEVEN M

| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/802,408 | CARNEVALI, JEFFREY D. | |
| | Examiner | Art Unit | |
| | Steven M. Marsh | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the third office action for U.S. Application 10/802,408 for a Configurable Mounting Bracket filed by Jeffrey Carnevali on March 17, 2004. Claims 1-25 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2006 has been entered.

Claim Rejections - 35 USC § 103

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,684,822 to Odin in view of U.S. Patent 6,631,877 B1 to Crain et al. Odin discloses a mounting bracket with a plurality (three) of permanently bendable cylindrical, uniformly continuous solid support rods (4 and 6), with first (6) and second (4) end portions. There is a means (5) for securing one or more of the second end portions of the plurality of support rods relative to an external surface in a fixed tripodal arrangement and a means (1) for fixing an external device to the clamping means. There is a means for resisting relative slipping of one or more of the second end

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portions of the plurality of support rods relative to an external surface (the material the legs are manufactured from). There is also a flexible sheath (16) substantially covering each of the plurality of permanently bendable support rods and the rods are formed of a steel material. Odin does not specifically disclose support rods formed of aluminum or the specific diameter of the rods. However, the specific diameter (size) is a matter of design preference and it would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a known metal such as aluminum as a matter of design preference.

Odin does not disclose a means for clamping the first end portions of the support rods in a fixed arrangement. Crain et al. discloses a mounting bracket with a plurality of support rods (28) and a means (64 and 70) for clamping the first end portions of the support rods in a fixed arrangement. The rods are clamped between an external collar (64) and an internal wedge (70), with a lengthwise portion of each first end portion clamped in a lengthwise cylindrical cavity (or relief groove, 72) formed between the external collar and internal wedge. The clamp taught by Crain et al. is designed for two rods, but it would be obvious to modify the collar and wedge to support three rods. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a clamping arrangement such as the one taught by Crain et al., at the top of the mounting bracket taught by Odin, for the purpose of providing a secure means for securing the rods to a mounting arrangement.

Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odin in view of Crain et al., and in further view of U.S. Patent 6,685,385 B1 to

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Ledingham. Odin in view of Crain et al. does not disclose grooves formed in the in an internal surface of the collar to complement the grooves formed in the external surface of the wedge. Ledingham discloses providing complementary grooves on opposing sides for clamping a cylindrical rod between two surfaces. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a complementary groove in the internal surface of the external collar, for the purpose of securely clamping a cylindrical rod between the collar and an internal wedge with an external groove.

Response to Arguments


Applicant's arguments filed May 23, 2006 have been fully considered but they are not persuasive. Applicant argues that the legs taught by Odin are not uniformly, continuous solid rods. However, the interior of the support rods does not change the fact that the rods are "solid" and "continuous". The outer portion of the rods is made of a solid material and the rods extend continuously from top to bottom, so therefore the rods are continuous, solid rods.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

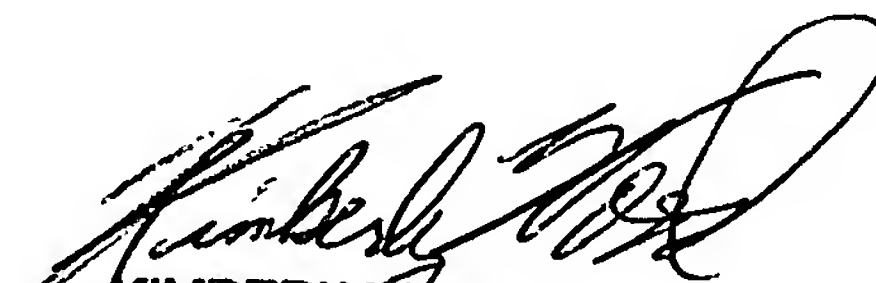
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Steven M. Marsh

June 18, 2006


KIMBERLY WOOD
PRIMARY EXAMINER